

FINAL MINUTES  
California State Board of Education  
June 6-7, 2001

Thursday, June 7, 2001

California Department of Education  
721 Capitol Mall, Room 166  
Sacramento, CA 95814

**Members Present**

Reed Hastings, President  
Susan Hammer, Vice President  
Donald Fisher  
Nancy Ichinaga  
Carlton J. Jenkins  
Marion Joseph  
Vicki Reynolds  
Suzanne Tacheney

**Member Absent**

Jacqueline C. Boris  
Robert J. Abernethy  
Vacancy

**Closed Session**

The State Board met in Closed Session to consider *Comité de Padres de Familia v. Honig* and to review test items on the California High School Exit Examination. No actions were taken.

**Call to Order**

President Hastings called the meeting to order at 10:16 a.m.

**Salute to the Flag**

President Hastings invited Mr. Fisher to lead the members, staff, and audience in the Pledge of Allegiance.

**Announcements/Communications**

President Hastings announced that Item 20 would be the first item on the day's agenda. Item 15, the California High School Exit Examination, will be heard after the public hearing.

ITEM 20	Proposed Formation of the Sonora Unified School District in Tuolumne County.	PUBLIC HEARING ACTION
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President Hastings noted that staff would present their report first, and then he would open the public hearing for public comment.

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Superintendent Eastin stated that we could look at this as an issue of efficiency, but it is also an issue of local control. The feeder districts did not want this proposed unification. The County Committee found that three of nine requirements for unification were not met. The Department is recommending denial, though it did find that the petition met all nine requirements. Currently, there is not much incentive for districts to unify. This is a problem that needs to be addressed by the Legislature.

Public Hearing: President Hastings opened the public hearing at 10:24 a.m.

The following individuals spoke in support of the proposal:

Maxwell James Carlson

Judy Brimmer

Duke York

Marty Minners

Rod Hollingsworth

Merv Cancio

Cathy Stone-Carlson

Sarajo Esch

Kent Tipton

Tom Thompson

The following individuals spoke in opposition to the proposal:

John von Herrmann

Mark Widener

Mike King

Ron Swanson

President Hastings closed the public hearing at 11:36 a.m. He thanked all the speakers for coming before the Board.

Mary Chenier, School Fiscal Services Division, stated that the criteria are minimal threshold conditions. The County Committee and the Board also consider compelling reasons for unification. She noted that in one place on Attachment 2, page one, of the agenda item the county name was incorrect.

Mrs. Ichinaga asked if the petitioners were just asking to allow a vote of the local community. Ms. Tacheny stated that our question is whether we let a community decide. Ms. Hammer thanked all of the speakers, congratulated Maxwell James Carlson on his community action, and stated that she thinks this is a local decision.

Mrs. Joseph stated that there is a fiscal issue, the teacher salary issue, and the potential deficit issue. If we look at the unification proposal from the point of view of results, these districts are currently doing well. Historically, the Board listens to the local districts and the County Committee. Mr. Jenkins stated that the local boards were elected by the 75 percent of the people who are not here today and are not represented by the petition. Ms. Reynolds stated that she was

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not convinced that unification would be in the best interest of the students' education. A local election could create such dissention that it affects the educational program. She added that she relies on the recommendation of the locally elected board.

- **MOTION FAILS:** Ms. Hammer moved that the State Board approve the proposed formation of the Sonora Unified School District for purposes of being considered by the local electorate by the adoption of Alternative Resolution #1 as presented by CDE staff. Mrs. Ichinaga seconded the motion. The motion failed passage by a vote of 4-4. Ms. Hammer, Mr. Hastings, Mrs. Ichinaga, and Ms. Tacheny voted in favor of the motion; Mr. Fisher, Mr. Jenkins, Mrs. Joseph, and Ms. Reynolds voted against the motion.
- **MOTION FAILS:** Ms. Reynolds moved that the State Board disapprove the proposed formation of the Sonora Unified School District by the adoption of the resolution to that effect prepared by CDE staff. Mrs. Joseph seconded the motion. The motion failed passage by a vote of 4-4. Mr. Fisher, Mr. Jenkins, Mrs. Joseph, and Ms. Reynolds voted in favor of the motion; Ms. Hammer, Mr. Hastings, Mrs. Ichinaga, and Ms. Tacheny voted against the motion.

ITEM 15	California High School Exit Examination (CAHSEE): Including, but not limited to Standards-Setting.	INFORMATION ACTION
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President Hastings noted that because the Superintendent had to leave to present a commencement speech, the Board would hear her recommendations on the passing scores and then take a short lunch break before discussing the passing scores. Superintendent Eastin applauded the Governor and the Legislature for deciding that California should have a high school exit examination. The California High School Exit Examination (CAHSEE) has been developed in a very quick timeframe with excellent support from AIR. The test covers ninth and tenth grade English/language arts standards and math up to eighth grade algebra. California's math test requires more than any other state. The ninth graders who took this test did not have the benefits of class size reduction and did not see the standards until middle school. The HumRRO report pointed out not all students have standards-aligned textbooks.

Superintendent Eastin continued. A panel of teachers, parents, and community members met to make recommendations on the passing score. However, the panel recommendation did not take into account that not all students had received standards-based instruction. This passing score is not an endpoint but rather the start of a long journey. We need to keep in mind that ninth grade students took this test. The Superintendent stated that she was recommending provisional passing scores of 60 percent correct for the English/language-arts portion of the test and 55 percent correct for math for the class of 2004. She suggested that next year the Department and the Board reexamine the test scores to see if students are achieving and mastering the subject matter. She added that we should support AB 1609, the Calderon bill, to allow the Board to consider the test and the consequences. We should continue to give the tests to let students know what they need to know to function in the real world. We will recommend raising the score in the future if all students are receiving a standards-based education. Superintendent Eastin then thanked the Governor for the professional development resources that are coming into the system

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and stated that she wants to come together around this test and in support of the standards. She concluded by emphasizing that the state must focus on the lower achieving schools. [Attachment 11]

President Hastings thanked Superintendent Eastin for her remarks. He stated that he was looking forward to a thoughtful discussion of the passing scores after lunch. He noted that there were several key points to consider in that conversation. This is the hardest exam in the nation. The Department will release a representative subset of the exam questions on their website tonight. We tried to pass SB 84 to allow us to have a tenth grade census, but that legislation failed. This is the best course considering the ninth grade census. We are committed to reconsideration of the test.

**Lunch Break:** President Hastings called for the lunch break at 12:11 p.m. He reconvened the meeting at 12:44 p.m.

President Hastings asked Deputy Superintendent Paul Warren to present the item. Mr. Warren explained the process used by the panels to make their recommendations on passing scores. The process focused on the content of the test. The panel members were primarily teachers and included community members and parents. We have a range of table scores, approximately eight tables per panel, that represent the advice given to the Superintendent. Only at the end of the process were the panelists given any consequence data. The recommendation for the passing scores is the median of the tables' recommendations.

President Hastings clarified that the consequence data was given to the panel members towards the end of the process. The panel members were given only the impact data tables for all students, they were not given data on subgroups.

Mr. Warren stated that it is not surprising that the panels' medians did not change when they were given some consequence data. This is a common occurrence. The role of the Board is to review the recommendations and full consequence data to make a fair judgment. The consequence data shows us whether students have had the opportunity to learn the material on the exam. The CAHSEE is different than STAR. STAR has no direct consequences for students, whereas the CAHSEE has a consequence – the high school diploma. The test is not meant to be a gotcha. We do not want a passing score so high that it is a barrier or so low that it is meaningless. The panel's recommendation is shown on Table 1. There was a fairly wide range. Table 2 is the Department's recommendation and represents what students can learn in the current system. [Attachment 12] Mr. Warren stated that in the near term, the Board should approve the Superintendent's recommendation. He noted that some of the factors that the Board should consider in its decision are the consequence data, the HumRRO report that tell us instructional materials aligned to standards are just getting into classrooms, and that algebra has just become a high school graduation requirement. The test will help make it clear what students need to know. The Department is making test questions available online.

President Hastings stated that he would be cautious and conservative in making this decision. We do not want to overreach. We do not have any way to know what the cumulative pass rate

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will be. Ms. Reynolds stated that one important factor is capacity and what the Board can do to build capacity.

Mr. Mockler stated that the Governor and the Legislature are not unaware of the educational performance problems in our state. They are addressing the problem with instructional materials money, professional development programs, and a focus on standards-based instruction. We asked who did well on the math test and found that of the ninth graders who have already taken algebra, only half would pass at the Superintendent's recommendation. This shows that the quality of standards-based instruction is not what it needs to be. [Attachment 13]

Ms. Tacheny stated that she had attended the performance setting session in San Diego and commends the Department, AIR, and the San Joaquin County Office of Education for a stellar process. She also thanked the one hundred panelists for their thoughtful deliberation. The process of setting the passing score is a methodological process. The panel was repeatedly told that their recommendation was only advisory and that the Superintendent and the Board would consider additional information. The panel expected the Superintendent to make a different recommendation. The panel did not consider opportunity to learn and did not receive disaggregated data on consequences. She again stated that she has immense respect for the panelists, especially the teachers, and that she supports the Superintendent's recommendation and the commitment to ongoing review of the test. She added that she is concerned that the English-language arts portion of the test is scheduled over a two-day period for future administrations according to the testing dates provided by the Department. [Attachment 14]

Mrs. Joseph stated that, in terms of capacity and what can be done, this Board should assume some responsibility for teacher preparation and bring this information to the California State University and University of California systems so that they bring their programs in line with the standards. Professional development funds should be used for standards-based training on Schiff-Bustamante instructional materials. Mrs. Ichinaga added that we do not have the capacity to do the job we have to do because teachers are not being trained to teach the standards.

Mr. Fisher stated that he is not sure we can expect children to pass this test if their teachers have not taught them. We tested ninth graders. When this group gets to twelfth grade, the numbers will not be this low. As our schools improve, we should move the passing score up, but we should not start too high.

Ms. Hammer thanked Mr. Warren and his staff for the outstanding work by his staff and the panel. She stated that as the word gets out about the test, we need to consider a few factors. The Board has dealt with the development and implementation of this test for the past several years. There are other factors that must be considered and which may change the provisional passing score in future years. The test data is based on 9<sup>th</sup> grade students who volunteered to take the test. The test is designed to be taken by 10<sup>th</sup> grade students. This difference causes some concern in that the 9<sup>th</sup> grade students may not have received sufficient instruction to fully prepare for the exam. English-language arts and mathematics content standards have only been out in the schools for the past three years. The class of 2004, this year's 9<sup>th</sup> graders, was in 6<sup>th</sup> grade when we started down the road to reform our education system. The frameworks have been

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available for even less time. Standards-based textbooks in math were made available only this past January, and English-language arts textbooks will not be adopted until this coming January. It takes time for instructional practices to fully catch up with all of these changes. We must be careful that our high school students are not caught in the process of change. This exam is not intended to be a gotcha for our students. Ms. Hammer concluded by stating that this Board and the Superintendent are totally committed to high achievement, to standards-based achievement.

Ms. Tacheny stated that there is a deep achievement gap and that she wants the Board to commit to addressing that gap. Mr. Jenkins stated that he does not want to wait until two years from now to look at test data. Mr. Mockler stated that we could review the test data annually. Mr. Warren stated that within two years we would revisit the passing score for the next cohort, the class of 2005. President Hastings stated that if AB 1609 passes, the class of 2005 would not take the test until 10<sup>th</sup> grade. We will track the cumulative pass rate at each exam administration for the 2004 cohort.

Mrs. Joseph stated that the issue of the gap is very important and inquired about the rules for special education and English learners. Mr. Warren responded that English learners get additional time before they have to pass the test. Special education students have any accommodations that are in their Individualized Education Program (IEP). Mrs. Joseph stated that there are many ways to deal with the gap. The issue is content and instruction and not expecting lower standards for some students.

President Hastings asked if there were any speakers. There were none.

- **ACTION:** Ms. Hammer moved that the State Board approve the provisional passing scores for English-language arts (60 percent correct) and mathematics (55 percent correct) as proposed by the State Superintendent of Public Instruction with the understanding that these provisional passing scores will be reevaluated within two years as standards-based instruction in the California public schools becomes more widely implemented. Ms. Reynolds seconded the motion. The motion passed by unanimous vote of the members present.

Mr. Hill stated that the Board has recognized the work of staff and he would also like to acknowledge staff for their hard work in the last few days, especially Mark Fetler, Carolyn Pirillo, Paul Warren, Phil Spears, Jan Chladek, and Lily Roberts.

Vice President Hammer, who was presiding in President Hastings' absence, stated that Mrs. Joseph's point was that we must focus on standards-based instruction for all students and especially for students who are at-risk or in low performing schools.

ITEM 21	Request by the New West Charter Middle School Petitioners to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	PUBLIC HEARING ACTION
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Jan Sterling, School Fiscal Services Division, presented the item. She stated that the Department had found sufficient reason for the Board to deny the petition. Deputy Superintendent Susie Lange noted that it is not the Department's responsibility to improve the charter proposal and that she understood the local district was interested in helping them improve the proposal.

Vice President Hammer stated it was her understanding that if there are changes in the charter, it goes back to the local district for reconsideration. Dave Patterson, California Network of Educational Charters, replied that the Board has full authority to ask the charter to make a whole host of changes.

Public Hearing: In her role as Presiding Officer, Vice President Hammer opened the public hearing at 1:45 p.m.

The following people spoke in support of the charter:

Judith Bronowski  
David Rosenstein  
Lis Jackson  
Sandra Sanchez  
Carmen Evora  
Gene Albrecht  
Paul Joseph  
David Eagle  
Brian Bennett  
David Patterson.

The public hearing was closed at 2:01 p.m.

Mr. Mockler asked about the admissions enrollment preference, noting that it was a sensitive issue. Charter schools are public schools. The charter proposal sets no limit on the number of children of founders who can enroll and allows priority enrollment for students whose parents are employed at school and for students with siblings who are in school or graduated two years before. These three categories could fill the entire school and give it an appearance of a private school. Mr. Albrecht stated that they would specify the number of founders' children who enroll in the school. President Hastings suggested that the charter have a tightly limited enrollment of founders' children and staff members' children. Mr. Albrecht stated that a limit would make it easier and that he was happy to work with the Department to set a limit. Mr. Mockler stated that another section in the charter says it wants the student population to reflect the adult population in Los Angeles County; it should be reflective of the student population.

Ms. Reynolds stated that the presentation and materials are well done and educationally sound. She expressed concern that it looks like a private school in the sense of the selection, opportunity, and how the petitioners are going to reach out to the community. She is also concerned that in an effort to be financially sound, the fundraising efforts will limit the diversity of enrollment. Ms. Jackson replied that the lottery is a pure lottery. We are reaching out to disadvantaged students and students at underperforming schools. This will be an ongoing

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process. Mr. Eagle noted that when the charter representatives go to predominantly Spanish-speaking schools, they bring translators and arrange for simultaneous translation. They are doing more than any other charter school.

Ms. Reynolds expressed concern that parents will not be willing to send their children to schools so far out of their neighborhood. Ms. Jackson stated that in the school she is currently in, parents transport their children many miles to get a good education. Mr. Mockler asked if the district could pay to transport students. Ms. Jackson replied that Los Angeles Unified School District would not commit to that.

Mr. Hastings noted that for Ridgecrest Charter School the Board expressed its intent to approve and then asked them to address the issues that were cause for concern. We could do that here and put them on a short leash.

Mr. Jenkins stated that he is impressed with the paperwork and presenters, but cannot get past his concern about the exclusivity. He added that he does not understand why the charter does not go back to the local level to seek approval. Ms. Sterling stated that she understands that the Los Angeles Unified School District (LAUSD) is willing to work with the charter petitioners. The district has approved 40 charters, but has rigorous standards. Ms. Hammer stated that she would hope that the Department would help facilitate LAUSD working with this charter, if that is the Board's decision. Mr. Patterson stated that what stopped the charter locally was the politics. Ms. Tacheney stated that she was reassured by the recruitment efforts and by the people that are involved in the charter school's recruitment efforts.

Mr. Hastings stated that he would like to make a motion that it was the Board's intent to approve the charter, assuming that LAUSD has not approved the charter. The charter petition could be brought back in October with the necessary changes and modifications.

Mr. Mockler stated that as the designated overseer of state-adopted charters, the goal is that charter schools be chartered at the local level. Ms. Reynolds stated that if we turn them down, it would be after careful consideration and based on our own conscious. Mr. Mockler stated that we are technically asking the charter to try to work this out at the local level, if it can be worked out.

- ACTION: Mr. Hastings moved that the State Board defer action on the petition to the September or October meeting, with the following understandings: (1) if and when the petition returns to the State Board, it is to be accompanied by proposed modifications (prepared by the petitioners in consultation with CDE staff) to address the concerns outlined in the discussion at this meeting; (2) if and when the petition returns to the State Board with appropriate modifications, it is the State Board's intent to grant the charter; (3) it is the State Board's preference that the petitioners and representatives of the Los Angeles Unified School District (with the facilitation and assistance of CDE staff) work collaboratively to develop modifications to the petition that will make the petition acceptable to the governing board of the Los Angeles Unified School District and that, with those modifications, the governing board of the Los Angeles Unified School District



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will reconsider its previous denial of the charter and, instead, grant the charter; and (4) if the charter is granted by the governing board of the Los Angeles Unified School District, the petition will not return to the State Board for further consideration. Ms. Tacheny seconded the motion. The motion was approved by a vote of 6-1. Mr. Jenkins voted against the motion. In addition to the absent members, Mr. Fisher was not present when the vote was taken.

ITEM 19	For action: Request for Board approval of recommendations for phasing in indicators for the Alternative Schools Accountability Model. For information: Update to the Board on a proposed approval process for locally-adopted pre-post achievement tests to serve as indicators of student progress in the Alternative Schools Accountability Model (ASAM) and on providing accountability for very small schools.	INFORMATION ACTION
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Vice President Hammer welcomed El Dorado County Superintendent Vicki Barber and Sunset-Reef Superintendent Lynn Wilen, co-chairs of the Alternative Schools Accountability Model (ASAM) Subcommittee.

Ms. Wilen stated that the action being requested is approval of the timeline for phase-in of indicators of student progress for the ASAM. Ms. Barber added that in terms of the review and approval process for pre/post tests for the ASAM, the committee is working on that and will bring a proposal back to the Board. The Board has already approved the other indicators. [Attachment 15]

Vice President Hammer asked for a motion to approve the timeline.

- ACTION: Mrs. Joseph moved that the State Board approve the proposed time line for phasing in the indicators for the Alternative Schools Accountability Model as proposed in the agenda item. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent members, Mr. Fisher and Mr. Hastings were not present when the vote was taken.

ITEM 17	California English Language Development Test (CELDT): Including, but not limited to, Update on the Availability and Use of the CELDT.	INFORMATION ACTION
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Mr. Hill stated that the Department has no additional information on Items 16 and 17 and that the items were on the agenda at the pleasure of the Board.

Vice President Hammer asked if the Board if it had any questions. Hearing none, she called for public comment.

Sharolyn Hutton, Chaffey Joint Union High School District, expressed concerns about CELDT administration. Following her comments, there was a discussion on test administration issues, including re-testing students for oral proficiency after they have passed that portion of the test.

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Mr. Hill stated that the Department would bring the issue back to the Board for discussion.

Curtis Washington, California Teachers Association, expressed concern about the cut points for the performance levels on the test.

ITEM 18	Legislative Item: Update and discussion on current year legislation and the revised 2001-02 budget.	INFORMATION ACTION
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Erika Hoffman, Government Affairs Office, stated that all of the Governor's proposals have moved to the next house. She reported that AB 1609 had gone over to the Senate. [Attachment 16]

ITEM 22	Revision to the California State Plan (1999-2004) for the Title II: Workforce Investment Act. Adult Education and Family Literacy Act (revised February 2001).	INFORMATION ACTION
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Mr. Hill stated that this item was information only and that no action was being requested.

Mary Weaver, Education Support Systems Division, noted that technical changes would be brought to the Board in July. These technical changes reflect new federal programs and requirements. Mr. Hill noted that the Board had received a letter from a district stating that its adult education cap has not grown but its adult education population has grown. Ms. Weaver stated that there is current state legislation to allow for redistribution of the cap.

Mr. Geeting asked if the five percent increase for administrative costs would affect all agencies or just small agencies. Ms. Weaver replied that the agencies would have to provide a compelling reason, but that any size agency can ask for more than five percent.

**Adjournment:** Vice President Hammer adjourned the meeting at 3:15 p.m.

Respectfully submitted

Deborah Franklin  
Education Policy Consultant

16 Attachments